

that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 4. Clause 1(c) of rule XIX shall not apply to the consideration of H.J. Res. 119 or H.R. 4679.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the Democratic minority to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives* (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

The Republican majority may say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In Deschler's *Procedure in the U.S. House of Representatives*, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy impli-

cations. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. BURGESS. With that, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. POLIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

EXTENSION OF TIME FOR FEDERAL ENERGY REGULATORY COMMISSION PROJECT INVOLVING AMERICAN FALLS RESERVOIR

Mr. WHITFIELD. Mr. Speaker, I move to suspend the rules and pass the bill (S. 276) to reinstate and extend the deadline for commencement of construction of a hydroelectric project involving the American Falls Reservoir.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 276

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. EXTENSION OF TIME FOR FEDERAL ENERGY REGULATORY COMMISSION PROJECT INVOLVING AMERICAN FALLS RESERVOIR.

Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 12423, the Federal Energy Regulatory Commission shall, at the request of the licensee for the project, and after reasonable notice and in accordance with the procedures of the Commission under that section, reinstate the license and extend the time period during which the licensee is required to commence the construction of project works to the end of the 3-year period beginning on the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kentucky (Mr. WHITFIELD) and the gentleman from New York (Mr. TONKO) each will control 20 minutes.

The Chair recognizes the gentleman from Kentucky.

GENERAL LEAVE

Mr. WHITFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous materials in the RECORD on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. WHITFIELD. Mr. Speaker, at this time, I yield myself such time as I may consume.

S. 276 requires the Federal Energy Regulatory Commission to reinstate the license and extend for 3 years the deadline for commencement of a hydroelectric project involving the American Falls Reservoir. Hydropower is a critical component of our all-of-the-above energy strategy, and this bill will help facilitate the construction of an affordable and reliable source of domestic electricity.

As many people around the country understand, many Members of the House and Senate have very strong differing views with the President and his administration over the direction that we are going on energy in America, particularly the impact that regulations are having on the electric generation system in America.

It looks like it is going to be creating a lot of chaos, but when we have projects like this hydro project at American Falls Reservoir, I think there is unanimous agreement that we need to move forward expeditiously on these types of projects.

This bill has passed the U.S. Senate, and I would urge all Members of the House to support it.

At this time, I reserve the balance of my time.

Mr. TONKO. Mr. Speaker, I yield myself such time as I may consume.

I support the American Falls Reservoir hydropower legislation, introduced by Senators RISCH and CRAPO of Idaho. The bill would authorize the Federal Energy Regulatory Commission to reinstate the license for a hydroelectric project involving Idaho's American Falls Reservoir, and it gives the project 3 additional years by which to begin construction.

This bill allows FERC to get this project licensed expeditiously while ensuring that the appropriate environmental analyses are completed and considered.

The noncontroversial legislation before us today has passed the Senate by unanimous consent in two consecutive Congresses.

With that, I urge my colleagues to support this measure, and I yield back the balance of my time.

Mr. WHITFIELD. I also urge passage of this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. AMODEI). The question is on the motion offered by the gentleman from Kentucky (Mr. WHITFIELD) that the House suspend the rules and pass the bill, S. 276.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. WHITFIELD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

#### EPS SERVICE PARTS ACT OF 2014

Mr. WHITFIELD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5057) to amend the Energy Policy and Conservation Act to permit exemptions for external power supplies from certain efficiency standards, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5057

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “EPS Service Parts Act of 2014”.

#### SEC. 2. EXEMPT SUPPLIES.

Section 325(u) of the Energy Policy and Conservation Act (42 U.S.C. 6295(u)) is amended by adding at the end the following:

“(5) EXEMPT SUPPLIES.—

“(A) FEBRUARY 10, 2014, RULE.—

“(i) IN GENERAL.—An external power supply shall not be subject to the final rule entitled ‘Energy Conservation Program: Energy Conservation Standards for External Power Supplies’, published at 79 Fed. Reg. 7845 (February 10, 2014), if the external power supply—

“(I) is manufactured during the period beginning on February 10, 2016, and ending on February 10, 2020;

“(II) is marked in accordance with the External Power Supply International Efficiency Marking Protocol, as in effect on February 10, 2016;

“(III) meets, where applicable, the standards under paragraph (3)(A), and has been certified to the Secretary as meeting International Efficiency Level IV or higher of the External Power Supply International Efficiency Marking Protocol, as in effect on February 10, 2016; and

“(IV) is made available by the manufacturer as a service part or a spare part for an end-use product that—

“(aa) constitutes the primary load; and

“(bb) was manufactured before February 10, 2016.

“(ii) REPORTING.—The Secretary may require manufacturers of products exempted pursuant to clause (i) to report annual total units shipped as service and spare parts that fall below International Efficiency Level VI.

“(iii) LIMITATION OF EXEMPTION.—The Secretary may issue a rule, after providing public notice and opportunity for public comment, to limit the applicability of the exemption established under clause (i) if the Secretary determines that the exemption is resulting in a significant reduction of the energy savings that would otherwise result from the final rule described in such clause.

“(B) AMENDED STANDARDS.—

“(i) IN GENERAL.—The Secretary may exempt an external power supply from any

amended standard under this subsection if the external power supply—

“(I) is manufactured within four years of the compliance date of the amended standard;

“(II) complies with applicable marking requirements adopted by the Secretary prior to the amendment;

“(III) meets the standards that were in effect prior to the amendment; and

“(IV) is made available by the manufacturer as a service part or a spare part for an end-use product that—

“(aa) constitutes the primary load; and

“(bb) was manufactured before the compliance date of the amended standard.

“(i) REPORTING.—The Secretary may require manufacturers of a product exempted pursuant to clause (i) to report annual total units shipped as service and spare parts that do not meet the amended standard.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kentucky (Mr. WHITFIELD) and the gentleman from New York (Mr. TONKO) each will control 20 minutes.

The Chair recognizes the gentleman from Kentucky.

#### GENERAL LEAVE

Mr. WHITFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous materials in the RECORD on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. WHITFIELD. Mr. Speaker, at this time, I would like to yield 5 minutes to the gentleman from Colorado (Mr. GARDNER), who is an important member of the Energy and Commerce Committee.

Mr. GARDNER. Mr. Speaker, I would like to thank Chairman WHITFIELD for his leadership on the Energy and Power Subcommittee, and I certainly appreciate the work you have done on energy independence.

Mr. Speaker, I rise today in support of the EPS Service Parts Act of 2014. This bill simply seeks to achieve congressional intent of the Energy Independence and Security Act of 2007 regarding exemptions for certain service parts.

I would like to thank my colleague from New York, Congressman TONKO, for working with me on this legislation, and I would also like to thank Chairman UPTON and Ranking Member WAXMAN for bringing this bill to the floor.

In the 2007 Energy Independence and Security Act, Congress recognized the need for manufacturers to continue to produce and distribute service and spare parts to be used with older out-of-production products that didn't comply with the new energy efficiency regulations produced by the 2007 bill.

The most common forms of EPS products are laptops, desktops, tablets, printers, and network products—products we use every day. Congress anticipated issues surrounding older service parts. The 2007 bill provided that from July 1, 2008, through June 30, 2015, the

energy standards would not apply to EPS made available as service or spare parts for end use products manufactured before July 1, 2008.

The reason for this legislation is to make a technical correction to provide explicit authority to the Department of Energy to create a similar exemption when the Department of Energy updated their EPS efficiency standards.

The existing language in the 2007 bill, according to DOE, has the opposite effect. It actually prevents DOE from extending this needed exemption in its February 2014 rulemaking on EPS efficiency standards.

The EPS Service Parts Act is in line with the original intent of the 2007 energy bill. It allows for continued production and distribution of replacement EPS for use with equipment manufactured before February 10, 2016, the effective date of the new DOE efficiency standards.

By passing this legislation, the bill will benefit both U.S. consumers and manufacturers. It will allow manufacturers such as Dell or Hewlett-Packard to maintain and distribute supplies of replacement parts for older equipment. It will also allow for warranty and contract compliance by these manufacturers.

Without this legislation, manufacturers would be required to redesign and qualify service on spare EPS parts at significant expense solely to support products that are no longer in production.

Manufacturers would also be forced to destroy existing inventories. Again, they would have to be destroyed—existing inventories—that were intended to support service and spare parts.

Also, in addition to meeting energy efficiency standards, the redesigned EPS parts would also need to be recertified to all the applicable safety, efficiency, and other environmental specifications.

Because of the low volume of services and spare parts, this would be a very costly and job-costing undertaking for manufacturers. Companies have estimated increased costs in the millions of dollars with no corresponding benefit to energy savings or the consumer.

This bill has the support of the Information Technology Industry Council, the Alliance to Save Energy, the American Council for an Energy-Efficient Economy, the Association of Home Appliance Manufacturers, the Consumer Electronics Association, the National Association of Manufacturers, and the Natural Resources Defense Council.

The bill saves money and avoids a regulatory overreach not intended by, but accidentally instigated by a previous Congress.

I urge my colleagues to vote “yes” on the bill.

Again, thank you to my colleague from New York (Mr. TONKO).

Mr. TONKO. Mr. Speaker, I yield myself as much time as I may consume.

I rise in support of H.R. 5057, the External Power Supply Service Parts Act of 2014.